IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6072 of 2007

Ramesh Kashinath Gutte .. Petitioner

versus

State of Maharashtra & ors. .. Respondents

...

Mr.R.K. Mendadkar for the petitioner.

Mr.R.D. Rane, G.P. for respondent nos.1 to 4 and 6.

CORAM : S.B. MHASE AND

D.G.KARNIK, JJ

DATED : 22nd August 2007.

P.C.:

. Heard Mr.Mendadkar for the petitioner.

2. The Tribes Certificate Scrutiny Committee has found that the original school leaving certificate of the petitioner in respect of his grand father showing the date of admission as 6.6.1978 and the caste recorded as Munnervarlu submitted by the petitioner was unauthorised, bogus and fake. The

petitioner was called upon to explain the documents. The petitioner initially communicated his inability to appear before the scrutiny committee and tried to avoid hearing but ultimately he appeared on 14th February 2007 and he was fully heard. He was called upon to explain the discrepancy in the documents and thereafter the petitioner did not remain present. Further a personal hearing was also kept on 26th July 2007 but the petitioner remained absent. Thus, the conduct of the petitioner shows avoidance to answer the queries made by the committee. This also shows that the petitioner is simply interested in protraction of the matter and thereby to maintain his service instead of getting the matter decided on merit by participating in the enquiry. We find no merit in the grievance made before us that proper opportunity of hearing was not afforded to the petitioner.

3. We do not find any merit in the case. We also do not find any fault with the order of the scrutiny committee. On the contrary we find that the scrutiny committee has offered appropriate opportunity to the petitioner and called upon him to meet out the adverse circumstances on record. It is the petitioner who has not participated in the enquiry full heartedly i.e. at one stage he participated and thereafter he refrained himself from

participating in the enquiry and now he is making grievance that the principles of natural justice have not been followed by the scrutiny committee.

4. We do not find any merit in the petition. Petition is hereby rejected.

(D.G. KARNIK, J) (S.B. MHASE, J)